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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,815	10/24/2003	Gene DiPoto	ENDIUS.03IA	1092
	7590 10/15/200 SEAGER & TUFTE, L	EXAMINER		
1221 NICOLLE		RAMANA, ANURADHA		
SUITE 800 MINNEAPOLI	S, MN 55403-2420		ART UNIT	PAPER NUMBER
			3775	
			MAIL DATE	DELIVERY MODE
			10/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/693,815	DIPOTO, GENE		
Examiner	Art Unit		

The MAIL/MO DATE of this communication appears on the cover sheet with the correspondence address THE REPLY ELD <u>99 September</u> 2009 FALIS TO PLACE THIS APPLICATION IN ICONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file to go of the following per less: (1) an amendment, affidavity, but 0.7 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.1.17; per legit must be filed within one of the following time periods: a plication and the period for reply expires Zimonibs from the mailing date of the file are periods. b The period for reply expires Zimonibs from the mailing date of this Advisory Action or (2) the date set forth in the final rejection, whichever is later. If no revert however, will be statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Nature House It box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS OF THE FIRML REJECTION See MPREP 705 877). Examinors of lime may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.136(a) and the appropriate		Anu Ramana	3775	
 1. Sime reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To a covariant application, applicant must timely file one of the following replea: (1) an amendment, affidiative, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires 2 months from the mailing date of the final rejection. b) The period for reply expires 2 months from the mailing date of the final rejection. b) Examiner Note: I float, it is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS for the mailing date of the final rejection. Examiner Note: I float, it is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS for The FIRAL REJECTION. See WHEP 708 G/TV. Extensions of time may be obtained under 37 CFR 1.138(ii). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee hander 37 CFR 1.178(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office adminder 37 CFR 1.178(a) is calculated from: (1) the expiration date of the shortened statutory period by the first propriate extension fee hander 37 CFR 1.178(a) is calculated from: (1) the expiration date of the shortened statutory period by the first propriate extension fee hander 37 CFR 1.137(a) the Notice of Appeal was filed on. A brief in compliance with 37 CFR 1.374(b). NOTICE OF APPEAL. The Notice of Appeal was filed on. A brief in compliance with the propriate filed within the member of the short in 37 CFR 41.37(a). The proposed armen	The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress
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NOTICE OF APPEAL 2.	a) The period for reply expires 3 months from the mailing date b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (MONTHS OF THE FINAL REJECTION. See MPEP 706.07(Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ext under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the s set forth in (b) above, if checked. Any reply received by the Office later	dvisory Action, or (2) the date set forth a later than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE f). on which the petition under 37 CFR 1.1 lension and the corresponding amount of thortened statutory period for reply origing than three months after the mailing date	g date of the final rejection FIRST REPLY WAS FII (36(a) and the appropriate (a) the fee. The appropriate (a) and the final Office (b) the fee.	on. LED WITHIN TWO e extension fee ate extension fee ae action; or (2) as
 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS AMENDMENTS (a) ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:				
3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed w 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the	
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October 6, 2008 /Anu Ramana/				
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Primary Examiner, Art Unit 3775

Continuation Sheet (PTOL-303) PTOL-303 (Rev. 08-06)

Advisory Action Before the Filing of an Appeal Brief

Application No. Part of Paper No. 20081006